

The President of the Supreme Administrative Court of Poland Jacek Chlebny

Opening remarks

2 October 2025, Warsaw

Good morning, Ladies and Gentlemen,

it is my great pleasure to welcome you at the joint Conference of the judges of the Supreme Administrative Court of Poland, the judges of the European Court of Human Rights, and presidents and representatives of the supreme administrative jurisdictions and councils of state of Member States of the European Union, organised to celebrate the 75th anniversary of the European Convention on Human Rights.

Allow me to welcome the representative of the President of the Republic of Poland, Chief of the Chancellery of the President, Minister Zbigniew Bogucki.

Our distinguished guests from the European Court of Human Rights, who I warmly welcome, are:

– the President of the European Court of Human Rights – Mattias Guyomar, elected in respect of France;

– the Vice-President of the Court – Ivana Jelić, elected in respect of Montenegro;

as well as judges of the European Court of Human Rights: Kateřina Šimáčková, elected in respect of the Czech Republic; Jolien Schukking, elected in respect of the Netherlands; Anja Seibert-Fohr, elected in respect of Germany; Peeter Roosma, elected in respect of Estonia; Mykola Gnatovskyy, elected in respect of Ukraine; Gediminas Sagatys, elected in respect of Lithuania; Artūrs Kučs, elected in respect of Latvia; Anna Adamska-Gallant, elected in respect of Poland; Vasilka Sancin, elected in respect of Slovenia; and Marialena Tsirli, Registrar of the European Court of Human Rights.

I would also like to welcome Marcin Wiącek, Polish Commissioner for Human Rights, as well as Maciej Szpunar, First Advocate General of the Court of Justice of the European Union, and Krzysztof Wojtyczek, judge of the European

Court of Human Rights from 2012 to 2024.

I am delighted to welcome the President of the Association of Councils of State and Supreme Administrative Jurisdictions of the European Union (ACA-Europe), President of the Council of State of Greece Michalis Pikramenos, as well as the Secretary-General of ACA-Europe, member of the Council of State of Belgium Geert Debersaques.

I am pleased to welcome all the presidents and representatives of the supreme administrative jurisdictions and councils of state of EU Member States present with us here: from Austria, Vice-President of the Supreme Administrative Court Bettina Maurer-Kober; from the Czech Republic, President of the Supreme Administrative Court Karel Šimka; from Estonia, President of the Supreme Court Villu Kõve; from Germany, President of the Federal Administrative Court Andreas Korbmacher; from Hungary, President of the Senate in the Administrative Chamber of the Curia Gábor Remes; from Lithuania, President of the Supreme Administrative Court Skirgailė Žalimienė; from Latvia, President of the Supreme Court Aigars Strupiņš; from Slovakia, President of the Supreme Administrative Court Pavol Nad'; from Slovenia, President of the Supreme Court Miodrag Đorđević; and from Ukraine, judge of the Administrative Court of Cassation within the Supreme Court Olesia Radyshevskaya.

Further, I would like to extend a warm welcome to the Vice-President of the SAC of Poland, President of the Financial Chamber Jan Rudowski, as well as all the judges of the Polish Supreme Administrative Court and presidents of regional administrative courts present here with us, and finally, the Head of the Chancellery of the President of the Supreme Administrative Court Hieronim Kulczycki.

Ladies and Gentlemen,

it is an honour to receive you here in the Royal Castle in Warsaw, which is a special place for Poles. It was here on 3 May 1791 that the Great Sejm of the Polish-Lithuanian Commonwealth came to adopt the Constitution of 3 May 1791, which was the first Constitution in Europe and the second one in the world.

The Royal Castle in Warsaw is also an important place for administrative

justice. Three years ago, this was the venue where we celebrated – in the presence of the President of the Republic of Poland, representatives of the highest constitutional authorities of the state, as well as representatives of the Court of Justice of the European Union and the highest European administrative courts – the 100th anniversary of the establishment of the Supreme Administrative Tribunal, the first administrative court in independent – reborn in 1918 – Poland.

Many of our today's guests were also with us then. We always remember your presence.

Ladies and Gentlemen,

the Convention for the Protection of Human Rights and Fundamental Freedoms has shaped the basic standards for the protection of human rights in Europe for 75 years. Thanks to the Convention, member states of the Council of Europe have extended the protection of their citizens' rights, strengthened democracy and the rule of law.

The political changes that have taken place in our part of Europe after 1989 made it possible for Poland and the countries of our region to accede to the Convention. Poland signed the European Convention on Human Rights in 1991. Its ratification and entry into force followed two years later.

Today, the Convention is part of the Polish legal system. It is directly applicable and takes precedence over statute. Such a high position of the Convention in the domestic system of sources of law makes its provisions have a real impact on the protection of individuals' rights and the rulings of administrative courts.

The Supreme Administrative Court of Poland and the 16 regional administrative courts are part of the judiciary, separate from the general jurisdiction and the Supreme Court.

In the administration of justice, Polish administrative courts are obliged to examine whether the actions taken by administrative authorities comply with the law, and therefore also the provisions of the Convention. I strongly believe that our conference will be an excellent opportunity to share experiences concerning

the application of the Convention as a benchmark for monitoring the legality of public administration's actions.

Taking into account the case-law of the Strasbourg Court, judges of administrative courts can ensure a uniform minimum standard of protection of the fundamental rights of the individual in the member states of the Council of Europe. In an individual case, even if the administrative decision under review meets the requirements of domestic law, it can be overturned if it violates the Convention. To ensure that the standard arising from the Convention is maintained, however, legislative intervention is often indispensable, particularly when the ECtHR issues a pilot judgment finding systemic human rights violations. This is exemplified, among others, by the pilot judgment in the case of *Wałęsa v. Poland* of 23 November 2023.

Ladies and Gentlemen,

from the perspective of a domestic judge, it is important to answer the question where the limits of creative interpretation of the Convention are and what relevance its provisions have for the constitutional identity of a state.

Judges recognise the bold response of the Strasbourg Court to the changing social conditions which often necessitate a redefinition of concepts found in the Convention, e.g., the notion of family life or private life. The most important thing, however, seems to be maintaining a balance in this matter, and the dialogue between European and national judges as well as respect for the constitutional traditions of the member states of the Council of Europe should contribute to this. Dialogue and cooperation between judges should always be based on mutual trust and openness; it should take place with a sense of shared responsibility for the protection of the fundamental rights of the individual and the common interests of citizens.

It is important for there to be a dialogue both between the judges of the Strasbourg Court and national judges as well as between judges from the different member states of the Council of Europe. The latter takes place primarily

through the Association of Councils of State and Supreme Administrative Jurisdictions of the European Union (ACA-Europe). I am pleased to have the President of ACA-Europe, President of the Council of State of Greece Michalis Pikramenos, present at our conference.

Ladies and Gentlemen,

the social and political crises of the past few years – the migration crisis, also manifested by the hybrid war against the Baltic states and Poland, the COVID-19 pandemic, the climate crisis and, above all, the outbreak of the war in Ukraine as a result of Russia’s aggression and the recent hybrid attacks on NATO countries – bring new challenges not only for the judges of the ECtHR but also for judges of national administrative courts.

The application of the Convention raises questions about the reasons and rules for balancing individual human rights with such values as national security and law enforcement. This problem will certainly come to the fore during today’s discussion.

At the political level, these concerns were expressed in the open letter of 22 May 2025, addressed by the leaders of nine European countries, including Poland, to the ECtHR. The letter called for a ‘new interpretation’ of the Convention with regard to the subject of asylum and migration.

Now I would like to address our foreign guests directly:

Dear President Mattias Guyomar, dear Vice-President Ivana Jelić, distinguished Judges from the Court of Human Rights, dear President ACA-Europe Michalis Pikramenos, dear presidents and representatives of the highest administrative courts across Europe,

our conference would not have been possible without the initiative of the former President of the ECtHR – Marko Bošnjak. It was his idea to hold our conference in Warsaw.

I wish to thank him for this proposal, although unfortunately he is not with us today.

Now, I would like to thank President Mattias Guyomar and Vice-President

Ivana Jelić and their team for their commitment to making the idea of a conference in Warsaw a reality.

Dear President ACA-Europe Michalis Pikramenos, presidents and representatives of the highest administrative jurisdictions across Europe, thank you for coming. I wish you all an enjoyable conference and an opportunity to get to know our capital city.

Enjoy your conference, enjoy your visit to Warsaw.

Ladies and Gentlemen,

to celebrate the 75th anniversary of the Convention and our special meeting, the judges of the Supreme Administrative Court have prepared a publication outlining our experiences in applying the Convention standards and the Court's case-law. The book has been given to you all today as part of our conference materials. The monograph reveals not only the complexity of the application of the Convention, but also its appeal and topicality.

I would like to thank the judges of the Supreme Administrative Court who wrote the papers included in the publication. I highly appreciate and would like to thank the scientific editor of the monograph, who is present at our conference, former judge of the European Court of Human Rights Professor Krzysztof Wojtyczek.

I would also like to thank the reviewers – former judge of the European Court of Human Rights Professor Leszek Garlicki, who unfortunately could not join the conference, and Professor Marcin Wiącek, Commissioner for Human Rights, who is with us today.

I wish you all a successful conference!